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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MARK CHRISTOPHER LONG

Appeal 2009-004103
Application 10/674,934
Technology Center 2100

Decided: September 16, 2009

Before LEE E. BARRETT, HOWARD B. BLANKENSHIP, and THU A. DANG, *Administrative Patent Judges.*

DANG, *Administrative Patent Judge.*

DECISION ON APPEAL

I. STATEMENT OF THE CASE

Appellant appeals from the Examiner's final rejection of claims 1-31 under 35 U.S.C. § 134(a) (2002). We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

A. INVENTION

According to Appellant, the invention relates in general to computer reservation systems and, more particularly, to a system and method of matching vehicle ratings to rental equipment using a central database (Spec. ¶ [0001]).

B. ILLUSTRATIVE CLAIM

Claim 10 is exemplary and is reproduced below:

10. A computer implemented method of matching vehicle information to equipment, comprising:

receiving a description of a vehicle from a user;

searching a central database based on the description of the vehicle to identify equipment in the central database which is compatible with the vehicle by a computer-implemented comparison of the equipment to the vehicle information, wherein the computer-implemented method selects the equipment based on compatible attributes between the equipment and vehicle information, including at least one attribute from the group consisting of height of the vehicle and hitch assembly, length and width of the vehicle, weight ratio, electrical wiring harness, ground clearance, engine size, drive configuration, wheel base, and towing capacity; and

sending a listing of the compatible equipment to the user.

C. REJECTIONS

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Haynes	2005/0261986 A1	Nov. 24, 2005 (filed on Jul. 29, 2005)

Claims 10-31 stand rejected under 35 U.S.C. § 102(e) as anticipated by the teachings of Haynes[1].

II. ISSUE

Has Appellant shown that the Examiner erred in holding that Haynes teaches, expressly or inherently, that " the computer-implemented method selects the equipment based on compatible attributes between the equipment and vehicle information" (claim 10)? In particular, the issue turns on whether the computer-implemented method of Haynes selects the equipment as required by claim 10.

III. FINDINGS OF FACT

The following Findings of Fact (FF) are shown by a preponderance of the evidence.

Haynes

1. Haynes discloses processing user inputs and truck-related information to determine and display to the user a set of closest locations associated with a departure location and a destination location specified by the user (p. 2, ¶ [0020]).
2. Towing guide information is generated corresponding to a user-specified vehicle to be towed by the rented truck (*Id.*).

[1] The rejection of claims 1-9 has been withdrawn by the Examiner in the Examiner's Answer.

3. The user selects equipment including a selection of a truck or rental and a selection of a vehicle type for towing by the selected truck, and, in response, the server accesses the towing table to determine if the selected vehicle is capable of being towed by the selected truck (p. 4, ¶ [0059]; Fig. 1).
4. The server generates a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle (p. 4, ¶ [0059]; Fig. 32).

IV. PRINCIPLES OF LAW

35 U.S.C. § 102

In rejecting claims under 35 U.S.C. § 102, "[a] single prior art reference that discloses, either expressly or inherently, each limitation of a claim invalidates that claim by anticipation." *Perricone v. Medicis Pharm.Corp.,* 432 F.3d 1368, 1375 (Fed. Cir. 2005) (citation omitted). "Anticipation of a patent claim requires a finding that the claim at issue 'reads on' a prior art reference." *Atlas Powder Co. v. IRECO, Inc.*, 190 F.3d 1342, 1346 (Fed Cir. 1999) "In other words, if granting patent protection on the disputed claim would allow the patentee to exclude the public from practicing the prior art, then that claim is anticipated, regardless of whether it also covers subject matter not in the prior art." (*Id.*) (citations omitted).

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

V. ANALYSIS

Haynes discloses processing user inputs and truck-related information (FF 1) and generating towing guide information corresponding to a user-specified vehicle to be towed by the rented truck (FF 2), wherein the user selects a truck and a vehicle for towing by the selected truck, and the selected vehicle is determined as whether it is capable of being towed by the selected truck (FF 3). We find an artisan would have understood the vehicle being towed to be the "equipment" being towed and would have understood the truck for towing the vehicle to be the "vehicle" for towing the "equipment" as required by claim 10. Thus, we find Haynes to teach selecting equipment "based on compatible attributes between the equipment and vehicle information" (claim 10).

However, Appellant contends that "Haynes does not use a computer-implemented method that selects the equipment based on compatible attributes between the equipment and vehicle information" (Br. 19). In particular, Appellant argues that, as the Examiner acknowledges, "Haynes requires the user to select both the tow vehicle and the equipment being towed" (Br. 20) and that "the Haynes reference does only a table lookup to confirm user-selected vehicle and equipment options" (Br. 21).

In response, the Examiner explains that Haynes discloses such computer-implemented method because "*[t]he service responds to the user inputs by accessing a respective data set corresponding to user inputs*" (Ans. 11). In particular, the Examiner explains that Haynes discloses "*a plurality of user-accessible data sets of truck-related information including types of trucks and associated rental prices*" (Ans. 12), wherein "*[t]he first*

program module may also access the information on the towability of a vehicle from a towing table" (*Id.*).

Accordingly, the issue we address on appeal is whether Haynes teaches, expressly or inherently, that "the computer-implemented method selects the equipment based on compatible attributes between the equipment and vehicle information" (claim 10). In particular, we address whether Haynes discloses that it is the computer-implemented method that selects the equipment, as required by claim 10. After reviewing the record on appeal, we agree with Appellant that the passages cited by the Examiner do not teach the claimed computer-implemented method.

In Haynes, *the user* selects the truck and the vehicle for towing by the selected truck (FF 3). The computer-implemented method of Haynes determines if the selected vehicle is capable of being towed by the selected truck and generates a towing advice indication to the user as to whether the selected truck is appropriate for towing the selected vehicle (FF 3-4).

Though the Examiner finds that Haynes' computer-implemented method responds to the user inputs (Ans. 11) and accesses information on the towability of a vehicle (Ans. 12), we agree with Appellant that "Haynes does not use *a computer-implemented method* that *selects* the equipment based on compatible attributes between the equipment and vehicle information" (Br. 19, emphasis added).

Thus, while Haynes teaches selecting equipment "based on compatible attributes between the equipment and vehicle information" (FF 1-3) and does disclose a computer-implemented method (FF 3-4), we agree with the Appellant that Haynes does not disclose *a computer-implemented method* that *selects* the equipment, as required by claim 10. Thus, we find

the Examiner erred in finding that Haynes anticipates the teachings of claim 10 in the cited passages.

As such, we will reverse the rejection of representative claim 10 and claims 11-31 standing therewith as anticipated by Haynes. Accordingly, we conclude that Appellant has shown that the Examiner erred in rejecting claims 10-31 under 35 U.S.C. § 102(e) for the reasons as set forth above.

VII. CONCLUSION

Appellant has shown that the Examiner erred in holding claims 10-31 anticipated by the teachings of Haynes under 35 U.S.C. § 102(e).

VIII. DECISION

We have not sustained the Examiner's rejection with respect to any claim on appeal. Therefore, the Examiner's decision rejecting claims 10-31 is reversed.

REVERSED

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